

## **Hungarian Media Policy 2010 – 2018: The Illiberal Shift**

Viktor Orbán's political career was arguably spearheaded by a memorable speech delivered in Budapest's Heroes' Square on 16 June 1989. The then 26-year-old Orbán – a founding member of Fidesz (Fiatal Demokraták Szövetsége, the Alliance of Young Democrats) that was established in March 1988 – spoke on the occasion of the reburial of Imre Nagy and other martyrs of the 1956 Revolution. Re-reading or re-watching his 1989 speech (for a transcript in Hungarian see e.g. Magyar Nemzet, 16 June 2014) makes one acutely aware of the transformation that Hungary's Prime Minister underwent since his youth as a liberal defiant of the governing Hungarian Socialist Workers' Party who demanded free elections and the withdrawal of Soviet troops and praised the virtues of European civic society. The change in Viktor Orbán's ideological leanings and his open embrace of so-called illiberal democracy has been discussed extensively. In this article I outline key developments in media policy making between 2010 and 2018 as these are symptomatic of and at the same time play a crucial role in legitimizing Hungary's shift to illiberalism. Hungary's case represents a major challenge for those studying media and democracy as the recently introduced and implemented media policies depart from normative ideals associated with media in democratic societies yet their originators have been democratically elected with significant popular support and the laws have been passed following standard democratic legislative processes. Indeed, at the time of writing in April 2018 Orbán secured another two-third majority victory in national elections and there are already signs that he and his newly formed government will continue on the illiberal path.

Viktor Orbán first became Prime Minister of Hungary in 1998, his coalition government stayed in power till 2002. Following the 2010 parliamentary elections he took office again when the coalition of his party Fidesz and KDNP (Kereszténydemokrata Néppárt, Christian Democratic People's Party) gained a two-third majority (this has been referred to as supermajority and it is particularly important as with such a majority changes to the country's constitution can be introduced). Developments in Hungary attracted international attention (and even alarm) following the Orbán government's changes to media laws and to the Hungarian Constitution (re-named the Fundamental Law of Hungary) with some of these criticized as a as

departure from liberal democracy towards authoritarian rule. The European Commission (see e.g. EC 12 January 2012), the Council of Europe (see e.g. Venice Commission 20 June 2013) as well as a range of non-governmental organizations (see e.g. Human Rights Watch 18 September 2013) have voiced strong concerns about the changes undermining the rule of law, judicial independence, the independence of the country's Central Bank as well as restrictions on human rights. Orbán's 2014 supermajority victory brought the continuation of criticized policies, moreover, their development has been paired with strong anti-European Union rhetoric.

In July 2014 Viktor Orbán made a speech at the 25th Bálványos Free Summer University and Youth Camp<sup>1</sup> in the Romanian Băile Tușnad that has generated a lot of international interest. The Hungarian Prime Minister pointed out that western liberal democracy failed on a number of levels – the shortcomings were highlighted particularly following the 2008 financial crisis – and went on to state that Hungary needed to rebuild from scratch and the way in which to achieve the country's renewal was to divert from the western liberal democratic model and instead build an illiberal nation state. “The most popular topic in thinking today is trying to understand how systems that are not Western, not liberal, not liberal democracies and perhaps not even democracies can nevertheless make their nations successful.” The non-liberal democracies that The Prime Minister referred to included Russia, China, Turkey, India and Singapore.<sup>2</sup>

Fareed Zakaria – who coined the term illiberal democracy in 1997 – responded to the speech arguing that “Orbán has enacted and implemented in Hungary a version of what can best be described as ‘Putinism’ [whose] crucial elements ... are nationalism, religion, social conservatism, state capitalism and government domination of the media. ... Orbán has followed in Putin's footsteps, eroding judicial independence, limiting individual rights, speaking in nationalist terms about ethnic Hungarians and muzzling the press” (Zakaria, 2014). In contrast to

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<sup>1</sup> The Summer University was established in 1990 and runs annually since then. The original declared aim was to bring Hungarian and Transylvanian politicians together and maintain a dialogue across the Hungarian Romanian border. Fidesz played a key role in establishing the University with prominent Fidesz politicians – including Orbán himself – acting as regular speakers. For more on the broader issue of diaspora politics in post-1989 Hungary see Waterbury 2006.

<sup>2</sup> For a Hungarian transcript of the speech see e.g. Farkas 2016; the official English translation is available at <http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-25th-balvanyos-summer-free-university-and-student-camp>

Zakaria's conclusion, Buzogány (2017: 1309) argues that the shift towards "authoritarian great powers" was not based on ideational proximity with Vladimir Putin/Russia.

Rather, it was preceded by growing alienation between the EU and Hungary that left little space for the Hungarian government to find other allies. Confronted with acute political criticism for its constitutional reforms by its Western allies, Hungary has increasingly become inclined to diversify its foreign policy. The economic crisis Hungary has faced since 2008 made the country's opening towards Eastern interference a primarily economic interest-based strategy, helping to balance financial pressure from Western lenders. At the same time, while the Hungarian government provided rhetorical support for Russia in cases where its interests were at stake (energy issues, EU sanctions), it never left the common Western line but tried to increase its bargaining position on both sides (2017: 1309).

Whether we share Zakaria's or Buzogány's standpoint or indeed agree with others writing on the topic (see e.g. Csillag and Szelényi 2015, Halmai 2014), there is no doubt about the intentional nature and impact of policies introduced by Prime Minister Viktor Orbán's governments since 2010. Although – in the international context – changes at the national level characterized by a "powerful tendency toward centralization, extending political control over state apparatuses and other sectors of society" (Hajnal and Rosta 2016: 10) received most attention in mainstream media, it is also Orbán's sub-national governance reforms introduced between 2010 and 2014 that "fit in a new, broader, 'illiberal' tendency in Central and Eastern Europe" and represent an intentional manifestation of top-level political will (ibid.: 19). Such a manifestation of political will from the highest echelons of leadership is also evident in the sphere of media and communications and it is crucial to keep the significance of such influence in mind as

Media systems do not emerge spontaneously from the logic of communication technologies, or from the business plans of media corporations, or from the imaginations of creative individuals. ... Media systems are instead purposefully created, their characters shaped by competing political interests that seek to inscribe their own values

and objectives on the possibilities facilitated by a complex combination of technological, economic and social factors (Freedman 2008: 1).

A lot of the criticism of Hungary's media laws introduced in 2010 has focussed on changes to public service media that seriously impacted on their independence from government, however, we should also keep in mind that government policies shape privately owned media, in Robert McChesney's words "all media systems are the result of explicit government policies, subsidies, grants of rights and regulations. ... Indeed, to have anything close to competitive markets in media requires extensive government regulation in the form of ownership limits and myriad other policies" (2003: 126).

Hungary's case is a stark reminder that the political and judicial arenas play a key role in deciding about normative issues, in this case about how the media should operate if particular goals (promoting – or de-legitimizing – certain social values among them) are to be attained. Policy making is far from being a neutral, largely administrative and technical process, it involves a range of stakeholders who

make claims within a political system on behalf of goals (favoured end-states) which are said, in the light of certain fundamental, or commonly held, values to be of general benefit to the whole society, community or public, over and above individual wants, satisfactions or utilities. These claims are specified in terms of preferences about a communication system or its performances which correspond to the advocated end-state (McQuail 1992: 27).

Orbán's supermajority governments have implemented media policies (as discussed further in this article) that are in contrast with long established ideals of media policy in democratic societies, in Ellen Goodman's words such policy "consists of regulatory interventions specifically designed to promote communicative opportunities" (2007: 1211). Such media policy can be characterized as universalistic, with the aim of ensuring the public interest in communication, "including the equality of access to the media for all. By contrast, some non-consolidated democracies such as Hungary have engaged in particularistic media policies in an effort to enhance private interests. A primary means of the latter practices is the favouritist

distribution of media resources, as a result of which public assets are channelled into private pockets” (Bajomi Lázár 2017: 170-1). In addition, there is another issue with media policy making in contemporary Hungary: although policy making is not a neutral process, in depoliticized settings it is informed by expert knowledge, however, as we see – perhaps in a magnified manner – with Hungary’s shift to illiberalism, “in politicized settings, research and expertise are much less likely to be used as an authoritative source of policymaking, as this could be interpreted as a threat to political primacy. When expertise itself becomes increasingly politicized, research–policy relations are more likely to vary over time with shifts in political power”<sup>3</sup> (Scholten and Verbeek 2015: 189).

Fareed Zakaria highlighted government control of the media as a characteristic of an “illiberal democracy.” For those following developments in Hungarian media regulation and ownership and the government’s broader interventions in the field of media, the shift away from established liberal democratic practices has been evident for at least the past ten years. The long-established democratic roles of media – the public sphere, the fourth estate, the watchdog etc. – have eroded in a number of so-called new democracies that emerged after the fall of the Berlin Wall, however, this trend may be specially marked in the case of Hungary. Between 2010 and 2018 Orbán’s governments developed a range of strategies and policy interventions that enhanced the government’s control of the media, the most widely discussed among these is the 2010 Media Law<sup>4</sup> that brought about changes seen as restrictive of media pluralism and freedom among others by the OSCE, Council of Europe as well as the European Parliament. Evidence of

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<sup>3</sup> The broader issue of the questioning of expertise itself in relation to political decisions/policies is not restricted to Hungary, of course. The UK’s Brexit vote is a widely known example when politicians openly attacked expert knowledge. In the Hungarian government’s 2018 national election campaign investigative journalists, representatives of NGOs and academics were labelled mercenaries of the US financier and philanthropist George Soros, and in the aftermath of Viktor Orbán’s April 2018 victory, *Figyelő*, owned by an Orbán ally, published a list of individuals designated as such mercenaries, it is perhaps worth adding that the general public has been encouraged to supply further names for the list, see <http://figyelo.hu/itt-a-vegleges-lista>, for an article in English that explains the case see e.g. Gorondi 2018.

<sup>4</sup> Due to restrictions of space, I am leaving aside changes to the Hungarian constitution that prompted Guy Verhofstadt, the leader of the liberal ALDE group in the European Parliament to call for a suspension of Hungary’s voting rights (enabled by Article 7 and often understood as the EU’s nuclear option), see e.g. <http://www.politics.hu/20120111/leader-of-liberals-in-europeanparliament-presses-for-sanctions-against-hungary>

direct and indirect interventions in public service media has surfaced regularly since Orbán's victory in 2010 and by 2017 Hungarian public service broadcasters effectively became the government's propaganda tools. Many of the special roles that the normative ideal of public service broadcasting has been associated with in liberal democracies – including the provision of impartial and balanced news, programming that represents a wide range of interests in society, contents that are deemed of high societal value etc. – have been eroded or outright eliminated and the changes implemented in connection with the 2010 Media Law have centralized control over different aspects of public service media.

Each of Hungary's public service media outlets – three national TV, three radio stations and one national news service – are now supervised by a single body headed by a chairperson appointed by the Media Council. The assets of these outlets have been transferred to a newly established public media fund, which is managed by the Media Council. News content for all public media stations is produced centrally by Hungary's national news service, MTI, which is headed by a new director who was nominated by the Media Council chairperson. Opponents claim the measures have eliminated the independence of Hungary's public service media, bringing all aspects – from programming to funding to regulatory supervision – under the Media Council's control (Center for Media and Communication Studies 2011).

Importantly, questions have been raised about the public service media's independence – which “has been elevated to the status of a principle of European human rights law” (Venice Commission 19-20 June 2015: Paragraph 81). The Council of Europe's Venice Commission concluded that the re-structured supervisory bodies potentially jeopardize the broadcasters' independence:

In sum, the Media Act does not secure pluralistic composition of the bodies supervising the PSM [public service media]; its provisions enable the ruling party/coalition to ensure the loyalty of the Media Council, of the MTVA [the cooperation of the four public service media organizations: Hungarian Radio (Magyar Rádió), Hungarian Television (Magyar Televízió), Duna Television (Duna Televízió) and Hungarian News Agency

(Magyar Távirati Iroda)] and of the BoT [Board of Trustees], and, through them, to control finances and personnel of the public broadcasters. This creates space for covert intrusion into the journalistic freedom in the public media sector – an intrusion which is not always possible to discern, because it does not manifest itself as formalised orders and sanctions, and which cannot therefore be prevented by means of judicial review (ibid.: paragraph 86).<sup>5</sup>

Similar concerns have been highlighted in a report by the Centre for Media Pluralism and Media Freedom on media pluralism in Europe, more precisely in 28 EU member states, and in two candidate countries – Montenegro and Turkey:

... four are at high risk when it comes to political influences over different dimensions of their media operations – two of which are EU member states (Hungary and Slovenia), and two candidate countries (Montenegro and Turkey). Hungary is the only EU country that scores high risks for all five indicators in this area [the extent of the politicisation of the media system, media organizations, newsrooms, media reporting and the public service media], with most concerns being related to the allocation of state subsidies and advertising, and independence of PSM governance and funding (Brogi et al. 2017: 4).

However, the impact of the new media policies was felt beyond public service media and in order to understand the broader context, Peter Bajomi Lázár's concept of the party colonisation of media provides a fitting framework as the phenomenon

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<sup>5</sup> A few concrete examples can be provided to highlight some of the issues involved: the Media Council has five members and is chaired by the President of the Media Authority who is appointed by the Prime Minister for indefinitely renewable 9-year terms. The other members of the Authority are nominated by an ad-hoc committee composed of delegates of each parliamentary faction. A particularly worrying issue – in the context of Orbán's supermajority – is that the votes of the members of the nominating committee are weighted according to the proportion of each faction's representation in the Parliament.

may be defined as *a strategy aimed at extracting from the media resources such as airtime, frequencies, positions and money, and channelling them to party loyalists in order to reward them for various services*. It may target all media – public and private alike – but its primary targets are the regulatory authorities and public service broadcasters that parties may oversee more easily than private outlets, as the appointment mechanisms of their regulatory boards are designed in ways that enable them to delegate their supporters into these institutions (2013: 76, emphasis original).

Bajomi Lázár goes on to outline objectives of party colonisation of media and these are all applicable to the case of Hungary: parties can call on constituents that they would not reach otherwise; the colonised media enable parties to gain new resources for indirect party funding; colonised media become pawns in party patronage; parties can use colonised media to exclude rival parties from participating in these (ibid.: 84).

I have already outlined some of the issues related to the colonisation of public service media, in the following section I highlight some policy interventions in the commercial media sector that contributed to the colonisation of these media by Fidesz. In the aftermath of the 2008 financial crisis a number of foreign media owners left the Hungarian market and a radical restructuring of ownership occurred with oligarchs loyal to Viktor Orbán not only gaining ownership of some of the media but also guaranteed income from government advertising (a particularly important Orbán ally, Lajos Simicska, ran a media empire supporting Fidesz until the two parted ways in 2014<sup>6</sup>; for an analysis of Simicska’s media empire see Bátorfy 2015). In the already mentioned report by the Council of Europe’s Venice Commission concern is expressed about the “disproportionate distribution of discretionary advertising revenue by the

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<sup>6</sup> It has been argued that after the fallout, efforts were made to prevent Simicska from acquiring further media assets and “new” Orbán allies gained government backing for their media acquisitions. A major one involved Andy Vajna – Hollywood producer and since 2011 the Hungarian government’s representative (kormánybiztos) for the film industry – who acquired the national commercial television channel TV2 after a legal battle with Simicska. It is perhaps worthwhile to mention here that Vajna secured the channel with a loan from state-owned Eximbank that was set up to support Hungarian exports and the government had to pass an amendment to a law to enable Vajna’s loan (see Byrne 2016 and also Czinkóczi 2017).



State”<sup>7</sup> and also about restrictions on political advertising that impacted on the April 2014 general elections and according to the OSCE/ODIHR Limited Election Observation Mission “in the current media environment, the absence of other political advertisements on nationwide commercial television, combined with a significant amount of government advertisements, undermined the equal and unimpeded access of contestants to the media, which is at odds with paragraph 7.8 of the 1990 OSCE Copenhagen Document” (Venice Commission 19-20 June 2015: paragraphs 93-99).

Following Orbán’s landslide victory in 2014 the government also introduced (or proposed) changes that have had a serious impact on the funding of media, among these was the 40% tax on advertising income (which disproportionately impacted on RTL Magyarország which forms part of the RTL Group) and the proposed tax on Internet services which was scrapped after large-scale protests. At the end of 2016 local and regional newspapers were also snapped up by those close to Orbán, “with the purchase of the local newspapers, it is estimated that some 90% of all media in Hungary is now directly or indirectly controlled by Fidesz. ... The only independent media still standing in Hungary are a few outlets, including the investigative reporting operations *Atlatszo* and *Direkt36* and the news server *444.hu*. Their audiences pale in comparison with the Orbán-aligned media” (Dragomir, 2017, see also *Reporters without Borders* 2017). More subtle ways of government interference involved, for example, the online news site *vs.hu* which received £1.5 million covert funding from the Hungarian Central Bank’s foundation (ten of its journalists resigned once the information about the funding surfaced but at the time of writing the website continued to function).

The Hungarian government’s grip on media – public service as well as commercial ones – is playing out in political discourses in a manner that can only be characterized as propaganda. Indeed, Bajomi Lázár and Horváth (2013: 220) argue convincingly that “in contrast to the period 1998–2010, the Peace Marches and other communication campaigns launched since Orbán’s government took office in 2010 have marked a paradigm shift in political communication, best described as the revival of old-school propaganda,” keeping in mind that “political propaganda is intended to establish ideological hegemony, while political marketing is based on the

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<sup>7</sup> In 2017 12% of the overall television advertising revenue originated from the Hungarian government and importantly there has been an eightfold increase in the government’s television advertising spending between 2010 and 2017 (Szalay 2018).

acknowledgement of ideological pluralism” (ibid, p. 222). As part of public communication campaigns (including election campaigns) certain types of – often Christian – nationalistic discourses<sup>8</sup> have been promoted by the government, these tend to focus on the “nation’s enemies”, including refugees, NGOs, the EU and the Hungarian-born US financier George Soros. In the 2018 election campaign the use of hate speech as part of political communication has increased markedly, with the U.N. Human Rights Committee voicing concerns at “the prevalence (in Hungary) of hate crimes and about hate speech in political discourse, the media and on the Internet targeting minorities, notably, Roma, Muslim, migrants and refugees, including in the context of government-sponsored campaigns” (Nebehay 2018, see also Article 19 2018).

The range of changes to Hungary’s media policies that were introduced between 2010 and 2018 and indeed their impact have been varied and complex and in order to gain a fuller picture further scholarly work is needed not only on the area of media and communications but also on education and cultural policies as these will help capture the “temperature” of Hungary’s current state. None of the developments – whether in policy or in ownership or indeed in the distribution of advertising revenue by the government – are illegal yet their impact – as I have outlined above – is already eroding the democratic roles of media. As Bajomi Lázár concludes in relation to Hungarian particularistic media policy making,

this practice is legal, by virtue of the current media regulation adopted by the same parliamentary majority that now enforces these measures. But not all that is legal is legitimate: the particularistic distribution of media resources is a form of institutionalised corruption and party patronage, and has had a devastating impact on some of the key components of democracy, including media freedom and pluralism, as well as the equality of access to the media (2017: 171).

Also, as I suggested at the opening of this article, there are also issues with the current policy making process as such, the practice of using the government’s supermajority to introduce a

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<sup>8</sup> The scope of this article does not allow me to discuss cultural and educational policies but these have also played an important role in the promotion of Christian nationalist values and discourses, see e.g. Bajomi Lázár and Horváth 2013, Fekete 2016.

wide variety of policies is definitely of concern in terms of the health of Hungary's democracy, the Venice Commission "objected to the use of cardinal laws for issues that, in the normal course of affairs, should have been left to ordinary legislation: 'The more policy issues are transferred beyond the powers of simple majority, the less significance will future elections have and the more possibilities does a two-third majority have of cementing its political preferences and the country's legal order' " (2015: paragraph 17).

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